

AN ANALYSIS OF THE PROPOSAL
FOR
**INDEPENDENT CITIZENSHIP
FOR WOMEN**
TOGETHER WITH A SUMMARY OF
**The Present Law of Citizenship
and Naturalization**



ISSUED BY THE
Committee on American Citizenship
and the
Education Committee
of the
New York State League of Women Voters

Prepared by
ESTHER EVERETT LAPE
and
ELIZABETH FISHER READ

COPYRIGHTED JANUARY 26, 1921
by
ESTHER EVERETT LAPE
and
ELIZABETH FISHER READ

© C1 A609437 JAN 31 1921

JK1770
N4

PART I—INDEPENDENT CITIZENSHIP FOR WOMEN

1. The Present Law

As the law stands now in the United States, a married woman has nothing to say about her own citizenship. Unmarried women and women whose husbands have died, or whose marriage has been dissolved by divorce, are all independent in the matter of their citizenship. They can decide for themselves, just as a man can, what country they want to be citizens of. (See the section on the citizenship of an unmarried woman, on page 12.)

A MARRIED
WOMAN LOSES
HER INDE-
PENDENT
CITIZENSHIP

When a woman marries, however, she loses her independent citizenship, and takes whatever citizenship her husband has.

If she is an alien, and marries an American citizen, she becomes a citizen too. This has been the law since 1855.

If she is an American citizen, and marries an alien, she becomes an alien too. This has been the law since 1907.

If the husband decides to change his citizenship, his wife has nothing to say about whether he shall do so or not; he does as he chooses, and his choice binds her. If he changes his, what he really does is to change theirs, his and hers; she, however, cannot even change hers, much less his.

The Proposed Changes

The proposed changes amount, in general, merely to ending the control over a woman's citizenship which is now involved in her marriage. They simply mean that a woman who marries a man of another nationality could keep her own nationality, if she chose; of course she could take his, if she chose, by becoming naturalized in his country. There have been various proposals during the past few years to reach this end. Two bills, the Rogers and the Johnson bills, have been introduced in the present Congress.

The Rogers bill simply provides that an American woman shall not lose her American citizenship by marrying an alien, and that an alien woman shall not obtain American citizenship by marrying a citizen.

The Johnson bill goes into much greater detail. It allows an American woman marrying an alien to keep her American citizenship, unless she chooses to renounce it, provided she continues to live in this country; if she leaves this country and lives for two years in her husband's country, or for five years in any other foreign country, she is presumed to have intended to give up her American citizenship. An American woman who is not residing here when she marries an alien loses her citizenship. An alien woman who marries an American husband does not become a citizen by the mere fact of the marriage; she must meet the qualifications provided for naturalization, as if she were an unmarried woman. An alien woman is allowed to apply for naturalization, by this bill, even though married; at present a married woman cannot apply for it.

THE
PROPOSED LAW
WOULD ALLOW
HER TO
CHOOSE

The Johnson bill, as will be seen, makes the American woman's citizenship depend on her residence; whether that provision will be adopted remains to be seen. Both bills have the desirable feature of ending the automatic naturalization

of alien women on their marriage to a citizen, or on the naturalization of their husbands.

The law finally adopted may contain the provisions of both of these bills, or additional provisions. Whatever the final form of the law is, it will allow a woman, married as well as unmarried, to determine for herself what nationality she wishes to have.

How the Present Law Came to Exist

HUSBAND AND
WIFE AT
COMMON LAW

The present law is a part, still surviving, of the old common law theory that a woman absolutely lost her identity, her very entity, her separate existence, when she was married. By marriage the husband and wife became one person in the eyes of the law; her legal entity was supposed to be merged into her husband's. In order to get around the fact that she was able to do something for herself before she was married and after her husband died, the law said that during her married life her entity was "suspended" or incorporated and consolidated into that of the husband; so that during her married life she was supposed to have no separate personality, but only to act through and by him.

As it is sometimes put, marriage made them one, and he was the one.

The extent to which this legal fiction was carried simply wiped out a married woman's identity. The personal property she owned when they were married became his absolutely, and so did anything else belonging to her that could be turned into money, such as the rents and profits from any real estate she owned, as for instance a farm or a house left her by her father. This personal property became his so absolutely that he could leave it by will to some one else, if he liked; she was not even sure of getting it back when he died.

If he deeded land to her, or made an agreement to pay her money, the deed and the promise were not binding on him, because she was the same as himself, and he could not make a deed or a promise to himself.

She could not make a contract even for the benefit of her own real estate.

If he did not support her, and she had to work to support herself and their children, her wages belonged to him; he could go and collect them from her employer.

If she were injured in a way that made some one liable for damages, she could not bring the suit; she and her husband brought it together, and the damages belonged to the husband.

He alone had the right to appoint a guardian for their children; he could even say in his will who should be the guardian of their unborn child.

In short, the husband alone thought, and acted, and spoke for the whole social unit known as the family.

The Gradual Change in This Situation

A MARRIED
WOMAN IS
NOW
REGARDED AS
A PERSON

As time went on, however, this situation changed; it became apparent that the whole scheme simply did not fit the facts of life. Gradually women have won, in most countries, and in most states of the United States, the right to control and manage their own property, to transfer or sell it, or to leave it by will to whoever they desire. They have won the right to engage in most kinds of business and to follow most occupations and professions, and to control their own earnings. In most states they have won an equal right of guardianship over their children.

In other words, the world has come to recognize that the married woman is a person, even if she is married, and that she has an individuality too; it is admitted that she can think and act for herself. And the victory for equal suffrage is at last an admission that she has a right to speak for herself.

The married woman may choose her work, her religion, her political party now. She has acquired an independent existence, except so far as citizenship is concerned; as to that, the husband and wife are still one; her identity is still lost, at marriage, so far as citizenship is concerned. This is what the movement for independent citizenship aims to change.

EXCEPT IN
CITIZENSHIP

2. The Objections to the Present Situation

There are two great reasons why the present situation, depriving a married woman of her freedom of choice in citizenship, should be changed.

The First Reason: The Injustice to Women

The first reason for changing the present law is the injustice involved in it to millions of women, admittedly competent to determine the great questions of life. It is acknowledged that they can choose their husbands, can choose their form of religion, can bring children into the world and train their bodies and their souls. It is admitted that they can and do earn their living, by hundreds of thousands—not only their own living, but that of their children, or their old parents, or their dependent brothers and sisters.

INJUSTICE TO
WOMEN IN
PRESENT LAW

Simply as a matter of human dignity, and of elemental justice, women are entitled to independent citizenship.

The Second Reason: The Admission to Citizenship of Unqualified Women

One very undesirable result of the present law is that thousands of unqualified persons are admitted to American citizenship.

The woman's husband, in order to be naturalized, has to meet the tests imposed by the naturalization law, as follows: he has to have been a resident for five years; he must be able to read and write English; he must have a good character; he must show that he understands the principles of the Constitution and of our government; and he must take the oath of allegiance.

His wife, however, can become a citizen without meeting any of these tests.

The exact words of the law are as follows:

"Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen."

CITIZENS BY
MARRIAGE
NEED NOT
MEET QUALI-
FICATIONS FOR
CITIZENSHIP

The words, "who might herself be lawfully naturalized," have been construed over and over again by various distinguished Attorney Generals and by the United States Supreme Court in the sixty years that this law has been on our statute books. It has been uniformly held that this law does not require that the wife shall personally possess the qualifications for citizenship that she would have to possess in order to become a citizen if she were an unmarried woman, or that her husband has to have. All that this law requires is that she be a member of one of the races that may lawfully be naturalized, i. e., that she be not a member of one of the excluded races; that is, she must be a free white woman or a woman of African nativity or descent, and not a Chinese or Japanese woman.

NEED NOT BE
OF AGE, OR A
RESIDENT FOR
FIVE YEARS

The wife may become a citizen when she is not twenty-one years of age.

She becomes a citizen even when she has not been a resident here for five years.

She may become a citizen even though she never comes to this country at all, or comes only to settle her husband's estate after his death. There is some difference of opinion on this last point; interpretations or rulings made in recent years by Secretaries of State tend to moderate somewhat the decisions in the recorded cases, all of which hold flatly that the wife of a citizen becomes a citizen when he does, even though she does not come to the United States till after his death.

DOES NOT
TAKE OATH
AND NEED
NOT BE OF
GOOD
CHARACTER

She becomes a citizen without taking the oath of allegiance. And she does not even have to satisfy the requirement of good character; she becomes a citizen when she marries a citizen, even if her character is known to be bad. Before 1917 there was more than one case where a woman about to be deported as a prostitute was able to evade it by marrying a citizen, thus becoming a citizen too. The Immigration Act passed on February 5, 1917, however, contained a provision to the effect that when a woman who is liable to exclusion or to deportation from the United States for acts of sexual immorality, marries an American citizen after she has been arrested or after she has committed the acts that made her liable to deportation, the marriage does not make the woman an American citizen.

Of course many alien women who have become citizens by marrying a citizen, without proving that they possess the qualifications for citizenship, could have proved it, if they had been asked to. Many thousands, however, could not have proved it. It is not so much their admission to citizenship that is objectionable, as it is the right they have, as citizens, to vote. As citizens they have, except in the few states that have an educational qualification for voters, the right to vote on all questions. The policies of this country should not be framed and its laws should not be determined by persons not personally able to meet the moderate requirements for naturalization.

Husbands Without Nationality

SOME
HUSBANDS
HAVE NO
NATIONALITY

In certain cases a man has no right to citizenship in any country. A German subject, for example, who lived outside of Germany for ten years, lost his citizenship or nationality. Suppose an American woman marries a German who has thus lost his nationality: she loses her American nationality by the marriage; what nationality does she get?

Take another case: the child born abroad of an American father who has ever lived (the father) in the United States is an American citizen; but if the father never has lived here the child is not a citizen. Suppose the child of a father who never lived here is born in a country like Russia, which does not give citizenship, as we do, to all persons born in that country. The child is not an American citizen, and not a Russian subject; he has no nationality. Suppose an American girl marries him; she loses her American citizenship; what citizenship does she get?

Husbands Whose Country Does Not Give the Wife His Citizenship

SOME
COUNTRIES
DO NOT GIVE
THE WIFE
CITIZENSHIP

It is not every country that gives its nationality or citizenship to a woman merely because she marries one of its subjects or citizens. This fact is so well recognized in other countries that special provision is made for it in the citizenship laws. In France, Belgium, Italy, Honduras, Mexico, Nicaragua, Costa Rica and Venezuela, the law providing that a woman citizen who marries an alien loses her native citizenship par-

ticularly specifies that this happens only if the law of the husband's country grants his citizenship to her.

But the United States law makes no such distinction: the American woman loses her own nationality, whether she gets her husband's or not.

Other Provisions of Laws of Other Countries

A woman marrying an alien does not lose her nationality unless she leaves her native land, in Ecuador and Guatemala.

Marriage with an alien had no effect on the nationality of a British woman until 1870; until then a British woman who married an alien kept her British nationality, no matter whether she remained in England or not. In 1870, in a general revision of the law of nationality, a provision was inserted requiring her to take her husband's nationality. This law has been and is being vigorously attacked. Another act passed in 1914 in Great Britain recognizes to some extent the wife's right to control her nationality in the provision requiring her consent to a change of nationality after the marriage.

3. Answers to the Objections to Independent Citizenship

Let us look at the objections to independent citizenship.

To begin with, people no longer claim that a woman has not enough intelligence to decide what she wants her citizenship to be. The law allows an unmarried woman who is of age to become naturalized, on exactly the same terms as a man. If the woman's husband dies, or if she is divorced, she again becomes entitled to become naturalized. It is only during the time when she is her husband's wife that she cannot act for herself in the matter of citizenship.

Now of course it cannot be believed that there is anything about the marriage relation which makes a woman who was intelligent before she was married, and is intelligent after the marriage is over, unintelligent while the marriage lasts. Is there some other reason, inherent in the marriage relation, which makes it necessary for the wife to abrogate and abdicate her individuality during that time? Let us see whether any of the usual objections to independent citizenship contains or involves any such reason.

The Objection of Divided Citizenship Within a Family

One objection frequently urged against independent citizenship for married women is that it would result in divided citizenship within the home, which is alleged to be an intolerable situation.

DIVIDED CITI-
ZENSHIP IS
NOT A
SERIOUS
OBJECTION

The answer to this objection is that we have divided citizenship now, in thousands and hundreds of thousands of homes in this country, and yet the roofs stay on the houses. The situation does not appear to be intolerable. Whenever a child is born in this country of foreign born parents who have not been naturalized here, another case of divided citizenship arises, for such a child is an American citizen, though its parents are aliens. Yet they live on peaceably, under the same roof, and we do not feel that we are creating intolerable situations by the thousand every day by giving such a child citizenship. It certainly is no worse to have the father and mother different in citizenship than to have the parents and the children different; and we pride ourselves on giving American citizenship to these children.

And when those native born children of foreign born parents were called in the draft, as citizens, the call was honored by parents and children alike. Even where there was divided citizenship, the allegiance was not divided.

Persons making this objection overlook the fact that it is not divided citizenship, but divided sympathy, that makes a situation intolerable. If an American citizen who believes that England should rule Ireland with an iron hand marries an Irish girl who sympathizes with the Sinn Fein, it will not bring them together to confer his citizenship upon her; merely pasting the same label on them does not make them alike. If they are divided in sympathy, they are divided, even if their citizenship is the same; and if they are in sympathy, they are in sympathy, even if their citizenship is different.

The Objection that there Would Be Confusion about Property

MOST
PROPERTY
RIGHTS
DO NOT
DEPEND ON
CITIZENSHIP

It is sometimes alleged that if the husband and wife were to differ in citizenship, great confusion would arise in matters relating to property.

The answer to this question is that in most cases the control of property does not depend on the citizenship of the owners or the claimants. It usually depends on the location of the property or on the domicile, i. e., the residence, of the owners.

A few illustrations will make this clear.

If it is a question of a piece of land in New York State, for example, it is the law of New York State that controls the disposition of that property; it does not matter whether the land belongs to a British subject or to an American citizen, the law of New York State that governs it is the same.

If it is a question of personal property, as for instance the money in a savings bank in Chicago belonging to a German subject formerly living in Chicago who was run over and killed by a truck, the law that applies to that money is just the same as if he had been an American citizen. Suppose there are no heirs in Illinois: the public administrator takes charge of the estate, and administers it according to the law of Illinois, dealing out the shares of it in exactly the same way to alien heirs living in New York and citizen heirs living in Massachusetts.

The fact is that aliens and citizens now have so nearly the same rights in property matters that very little depends on citizenship, much less than people suppose; almost everything depends on the location of the property or on the residence, or, to use the legal term, the domicile of the owners. A person's domicile is the place where he or she has set up his residence, with the intention of remaining there permanently; it is the place one thinks of as one's permanent home, even though one may be absent from it at times. It is a person's domicile that controls what the French call a person's civil status; his citizenship controls his political status. But most of the affairs of life are matters that come within the civil status; matters like property, and wills, and marriage, and divorce, and guardianship, all depend on a person's civil status.

What the Wife Chooses

It is sometimes urged that the woman who marries an alien husband must have chosen deliberately to become an alien, because she married one.

One writer says that by marrying a foreigner the woman shows a desire to change her nationality: "This desire is clearly manifested by the fact itself of marriage; the woman, who is free not to marry, knows what she incurs by marrying."

The answer to this is that she did not choose his citizenship, she chose him. Nationality is not usually the first thing they are thinking about.

There is no more reason why her choice of an alien husband should be assumed to imply that she wants to change her nationality, than why his choice of her should imply that he wants to change his.

PART II—THE LAW ABOUT CITIZENSHIP IN THE UNITED STATES

A Few General Facts About Citizenship

A person can be a citizen of only one country at a time.

Usually a person is a citizen or subject of the country in which he (or she) was born.

A person keeps the citizenship he (or she) gets at birth, no matter if he goes to live in another country, unless he goes through the procedure of becoming a citizen of that other country. An alien cannot become an American citizen by merely living in the United States, even if he lives here 50 years.

A person may change his citizenship if he desires. His old country may not be willing to let him go, but in the United States we believe that a person has the inalienable right to change his allegiance if he desires.

A child has the same citizenship that its parents have, except a child born in the United States whose parents are aliens. That child is a citizen, although its parents are not. If the parents' citizenship changes, while the child is a minor, the child's citizenship changes, too.

A married woman has, at present, the same citizenship as her husband. (See p. 12)

Who Are Citizens of the United States

There are only two ways of becoming a citizen of the United States:

1. by birth; and
2. by naturalization.

ONLY TWO
WAYS OF
ACQUIRING
CITIZENSHIP

It is sometimes said that there is a third way in which an alien woman may become a citizen, i. e., by marriage with a citizen. This is also called a form of citizenship by naturalization.

Citizenship by Birth

Any person born in the United States is a citizen, whether his or her parents were citizens or not. Every person born on American soil possesses the fullest possible rights of American citizenship.

CITIZENSHIP
BY BIRTH

For example, the child of Russian or Armenian refugees, born an hour after the parents land in New York from Ellis Island, is as much an American citizen as a child whose ancestors came over on the Mayflower. *Any one born on American soil is an American.*

This has been the law of the United States from the very start. We regard this as such a fundamental principle that we apply it even in the case of the child of parents that we do not allow to be naturalized; Chinese men or women, for instance, cannot become American citizens; and yet the child of a Chinese man and woman is an American, if it was born here.

Certain countries in Europe and Asia have a different law on this point, and claim that if their subjects or citizens come over here and have a child born before they are naturalized, while they are still subjects of their old

country, that child is a subject, too. The United States, however, does not recognize that claim, and insists that the child is an American citizen if it was born on American soil, no matter of what country its parents are citizens or subjects.

Exceptions to this Law

EXCEPTIONS
TO THIS LAW

Two groups of persons born in the United States and entirely subject to its jurisdiction have been regarded as exceptions to the law that birth here confers citizenship. These two groups are negroes and Indians. Negroes born here now become citizens automatically by birth, but Indians do not.

NEGROES
WERE EX-
CEPTED TILL
14TH AMEND-
MENT WAS
PASSED

Members of the black race were regarded as exceptions to the law that birth here confers citizenship until the Fourteenth Amendment to the constitution of the United States was ratified by the States in 1868. This amendment says:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside.”

The main object of the first clause in this amendment was to settle the question of the citizenship of free negroes, about which there had been a difference of opinion in the country and in the court. The Dred Scott case, which was decided shortly before the Civil War, declared that persons brought to this country as slaves, and their descendants, were not citizens, and were not capable of becoming citizens. The Fourteenth Amendment put it beyond doubt that all persons, white or black, and whether formerly slaves or not, who are born or naturalized in the United States, and who owe no allegiance to any foreign power, are citizens of this country.

INDIANS STILL
EXCLUDED;
CERTAIN
INDIANS
ADMITTED

Indians were also once entirely excluded from the benefits of this law. On February 8, 1887, however, a law was passed declaring that those Indians that were born within the territorial limits of the United States and who had had land allotted to them personally and had given up their tribal life and had taken up a separate residence and adopted the habits of civilized life, were citizens of the United States. Indians that do not comply with these qualifications are still excluded from citizenship, although born in this country.

EXCEPTIONS:
PERSONS NOT
SUBJECT TO
THE JURIS-
DICTION OF
THE UNITED
STATES

There are three other exceptions to this law, consisting of persons born within the territory of the United States, but not subject to its jurisdiction. These three exceptions are:

1. The children of foreign ambassadors representing their country in the United States;
2. The children of alien parents born on public vessels lying in American ports;
3. The children of alien enemies in hostile occupation of American territory.

For example, if a child is born to a Japanese ambassador while he is in this country, the child is a Japanese subject, not an American citizen.

Similarly, the child of an English sea captain and his wife is a British subject, although born on their vessel while it is lying in New York harbor.

Also, the children born in New York City to persons belonging to the British forces who held the city during the Revolutionary War were British subjects, not American citizens.

It is obvious that the same reason exists for all three of these exceptions. The ambassador, for example, is supposed to carry his country about with him, and to be

still a part of it, although actually within the country to which he has been sent to represent his own; the place where he sets up his embassy is regarded as foreign, not American, soil.

Citizenship by Naturalization

The second way of becoming a citizen of the United States is by naturalization. Naturalization is merely the act of being adopted into a nation; it is similar, only in a larger sense, to being adopted into a family. The underlying idea is the same.

CITIZENS BY
NATURALI-
ZATION

There are three ways by which a person may become a citizen by naturalization:

1. The first way is by taking out naturalization papers for oneself.
2. The second way—since a married woman takes her husband's citizenship—is by marrying a citizen.
3. The third way—since a child's citizenship is usually the same as its parents'—is through the naturalization of the child's father or mother.

The procedure of naturalization is described in detail in the latter part of this pamphlet.

The Right to Change One's Allegiance

The United States maintains that a citizen or a subject of a country has the right to give up his allegiance to that country, if he desires, and attach himself to some other country the ideals and policies of which seem more just and more desirable to him. We believe that the mere fact that a person was born on a certain spot of earth does not entail on him the obligation to remain attached to it throughout his entire life; and we believe that he has the right to make this change, whether his old government agrees to it or not. Some Continental countries do not agree to this, and refuse to recognize any such change to which they have not previously consented; but we insist in this country that a person has the right to change his allegiance if he desires.

THE RIGHT
OF EXPATRIA-
TION

There was so much doubt about this point at one time that a law was finally passed by Congress in 1868 stating that this right to expatriate oneself is "a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty and the pursuits of happiness." Any restriction on this right, or any questioning of it, was declared "inconsistent with the fundamental principles of the Republic."

"A NATURAL
AND INHER-
ENT RIGHT"

The law of the United States therefore permits any of its citizens that desire to leave it to do so; and when a citizen of some other country applies for citizenship here, we do not ask him whether he has obtained the permission of his former sovereign to make the change; we assume that he has the natural right to make it, and does not need to ask permission.

Who May Be Naturalized

Only two classes of persons may be naturalized in the United States:

1. Free white persons; and
2. Persons of African nativity and descent.

ONLY WHITE
AND BLACK
RACES MAY BE
NATURALIZED

In other words, only members of the white and black races may be naturalized.

The yellow races are excluded from naturalization. The naturalization of Chinese is specifically prohibited. Japanese are also excluded, although there is no statute specifically prohibiting their naturalization.

CHINESE AND
JAPANESE
EXCLUDED

It has not been altogether settled which races are white and which are yellow. Members of various races living in India and other Asiatic countries have recently applied for naturalization on the ground that they are Caucasians, and not yellow. The pres-

CERTAIN
ASIATICS
ADMITTED

ent tendency is to consider that some of these races are white. Hindus, Parsees, and members of the Armenian and Syrian people have been admitted to citizenship. Filippinos are excluded as belongings to the yellow race.

Some Chinese, Japanese and Filippinos who were in the service during the war applied for naturalization under the law passed during the war to facilitate the naturalization of aliens in the service. They are not excluded from naturalization, by the terms of this law. It has not been settled whether these members of races excluded from citizenship can be naturalized or not; some courts said that if they were good enough to fight for this country they were good enough to be citizens of it, and admitted them; other courts said that as they belonged to the excluded races, they were not admissible, even though in the service.

For the law of naturalization, including the various steps in the process of becoming naturalized, see Part III, beginning on page 19.

The Citizenship of Women

The citizenship of an adult woman depends upon whether she is single or married, since a married woman takes her husband's citizenship.

The Citizenship of an Unmarried Woman

A woman becomes a citizen by birth here, just as a man does.

An unmarried woman has whatever citizenship she was born with, unless her parents or guardians changed it for her before she came of age, or unless she has changed it herself after coming of age.

A SINGLE
WOMAN CAN
CHANGE HER
OWN
CITIZENSHIP

After she comes of age—i. e., is twenty-one years old—she can change it for herself, in exactly the same way and on exactly the same terms that a man can. She may be naturalized in her own name and her own right if she can meet the requirements for naturalization, which are:

1. Five years' residence in the United States and one year in the state where she applies.
2. Ability to speak English and sign her name.
3. Good character.
4. Understanding of the principles of the government of the United States.
5. Willingness to take the oath of allegiance.

She goes through precisely the same procedure as a man, i. e., the regular naturalization procedure, outlined in the latter part of this pamphlet.

The Citizenship of a Married Woman

A MARRIED
WOMAN
TAKES HER
HUSBAND'S
CITIZENSHIP

The citizenship of a married woman is the same as her husband's. When she marries him, she loses her own and takes his, if they are different; and if his changes while they are married, hers changes too.

If she is a citizen and marries an alien, she loses her American citizenship and becomes an alien too, automatically and instantly, without doing anything except get married.

If she is an alien and marries a citizen, she ceases to be an alien and becomes a citizen, instantly and automatically, without doing anything except get married.

If she is an alien and marries an alien who afterward becomes a naturalized citizen while they are married, she becomes a citizen too, at the moment when he does.

Her husband, in order to be naturalized, has to meet the tests mentioned above;

he has to have been a resident for five years, must be able to read and write English, must have a good character, must show that he understands the principles of the constitution and of our government, and must take the oath of allegiance.

His wife, however, can become a citizen without meeting any of these tests.

The exact words of the law are as follows:

“Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.”

A CITIZEN BY
MARRIAGE
NEED NOT
MEET QUALI-
FICATIONS FOR
CITIZENSHIP

The words, “who might herself be lawfully naturalized,” have been construed several times by various distinguished Attorney General and Justices of the United States Supreme Court in the sixty years that this law has been on our statute books. It has been uniformly held that this law does not require that the wife shall personally possess the qualifications for citizenship that she would have to possess in order to become a citizen if she were an unmarried woman, or that her husband has to have. All that this law requires is that she be a member of one of the races that may lawfully be naturalized, i. e., that she be not a member of one of the excluded races; that is, she must be a free white woman or a woman of African nativity or descent, and not a Chinese or Japanese woman.

The wife may become a citizen when she is not twenty-one years of age.

She may become a citizen when she has not been a resident here for the required five years.

SHE NEED
NOT BE OF
AGE, OR A
CITIZEN FOR
FIVE YEARS

She may even become a citizen though she never comes to this country at all, or comes only to settle her husband’s estate after his death. There is some difference of opinion on this last point; interpretations or rulings made in recent years by Secretaries of State tend to moderate somewhat the decisions in the recorded cases, all of which hold flatly that the wife of a citizen becomes a citizen when he does, even though she does not come to the United States till after his death.

She becomes a citizen without taking the oath of allegiance.

And she does not even have to satisfy the requirement of good character; she becomes a citizen when she marries a citizen, even if her character is bad. Before 1917 there was more than one case where a woman about to be deported as a prostitute was able to evade it by marrying a citizen, thus becoming a citizen too. The Immigration Act, passed on February 5, 1917, however, contained a provision to the effect that when a woman who is liable to exclusion or to deportation from the United States for acts of sexual immorality, marries an American citizen after she has been arrested or after she has committed the acts that make her liable to deportation, the marriage shall not make the woman an American citizen. Except in this one set of circumstances, however, a woman of bad character may become a citizen by marrying a citizen.

SHE NEED
NOT TAKE
OATH OF
ALLEGIANCE
OR BE OF GOOD
CHARACTER

A deserted wife is still a married woman, no matter for how long she has been deserted. She cannot change her citizenship for herself while her husband is living, unless she obtains a divorce from him. Though deserted, she is legally his wife and has whatever citizenship he has, though she may not know where he is or what his citizenship may have become.

DESERTED
WIVES

A woman who has become a citizen by marriage does not lose that citizenship by divorce. It may seem odd that she is allowed to keep after the marriage relation ends

CITIZENSHIP
OF DIVORCED
WOMEN

something that she obtained only by that relation; but she has often built up personal and property rights that would be injured if she were placed back in her old situation as an alien. The feeling is that there can be no such thing, in American citizenship, as a qualified or limited right to citizenship; there can be no such thing as a restricted citizenship; once conferred upon a person, it lasts as long as that person lives, unless the person voluntarily renounces it, by becoming a citizen of some other country, either by naturalization proceedings, or by marriage to an alien.

WIDOWED CIT-
IZEN BY
MARRIAGE
MAY RETAIN
OR RENOUNCE
NEW CITI-
ZENSHIP

A citizen by marriage may choose when her husband dies between keeping her new citizenship and resuming her original one. She may do whichever she likes.

If she happens to be living in the United States when the marriage relation ends, she is assumed to keep her American citizenship if she continues to live here, unless she formally renounces it before a court that has jurisdiction to naturalize aliens. She retains it, however, unless she does so renounce it. If she is living abroad at the time, she may retain her American citizenship by going before a United States consul within one year and registering as a citizen.

AMERICAN
WOMAN
MARRIED TO
AN ALIEN
HAS SIMILAR
CHOICE

An American woman who has lost her American citizenship by marrying an alien has a similar right either to keep her new citizenship, or to resume her former one, when the marriage relation ends.

If she is living in the United States at the time when the marriage relation ends, the only thing she needs to do, to regain her American citizenship, is to continue to live here. If she is living abroad at the time, she may regain it either by returning to reside in the United States, or, if she wishes to continue to live in Europe, by registering as an American citizen with an American consul within one year.

The Naturalization of a Married Woman

A MARRIED
WOMAN
CANNOT BE
NATURALIZED
IN HER OWN
NAME

From what has been said about a married woman's taking her husband's citizenship, it follows that a married woman cannot apply for naturalization in her own name and her own right. If her husband neglects or refuses to become naturalized, there is nothing that she can do. This is the case, as mentioned before, with a deserted wife as well.

The Naturalization of a Widow or a Divorced Woman

A WIDOW
MAY BE
NATURALIZED

After the marriage relation ends, by divorce, or by the death of the husband, the woman is of course in the same position as a single woman, so far as naturalization is concerned, and may apply to be naturalized in the customary manner.

OR MAY
COMPLETE
PROCESS HER
HUSBAND
BEGAN

When the husband has taken the first steps toward being naturalized, i. e., has declared his intention to become a citizen of the United States, but has died before he has completed the process, his widow may take up the process where he left off and go through the remaining steps, without repeating the first one of declaring her intention. His minor children may also do this, when they become old enough. And even a stepchild may take advantage of his stepfather's declaration. The same thing holds good when the husband becomes insane after making his declaration.

The Citizenship of Children

A CHILD MAY
BE A CITIZEN
IN TWO WAYS

A child may become a citizen of the United States in two ways:

1. By birth; or
2. By the naturalization of the persons upon whom the child's citizenship depends.

Citizenship by Birth

As previously stated, a child that was born here is a citizen, no matter whether BY BIRTH
its parents were citizens or not.

This is the invariable rule of the United States. It does not seem right to us that the long arm of Russia or Germany or Turkey should be able to reach and claim as a subject a child born on American soil.

A child, of course, cannot become a naturalized citizen in its own right. So long as it is under twenty-one, only its parents can act for it. A minor may make his or her declaration of intention to become a citizen, after reaching the age of 18 years; but he cannot file his petition for admission to citizenship until after he has passed his twenty-first birthday. The declaration of intention does not change his citizenship.

Citizenship of Children by Naturalization of Parents

When a man becomes a naturalized citizen, however, his minor children OR BY THE
NATURALIZA-
TION OF ITS
PARENTS
who are living here become citizens too. If their father has died and it is their mother that is naturalized, the same thing holds good; the children are naturalized, too.

And even if their mother does not take out naturalization papers herself, but marries for her second husband a man who is a citizen, then all her children who are under twenty-one and are living here become citizens, too.

Or if she is married again to a man who is not a citizen, but who becomes a citizen afterward, all of her children who are under twenty-one and are living here when he becomes a citizen are citizens too. They are citizens because their mother is one, and she is one because her husband is.

It must be noted carefully, however, that there are two limitations on the working of this rule that the child becomes naturalized when its parent does. One is, that the child must be under twenty-one when the parent is naturalized; and the other is that the child must become a resident of this country before it is twenty-one.

A few examples will make this clear:

1. Maria B. was born in Italy. When she was five years old her parents came to this country, bringing her along. When she was fifteen her father was naturalized; Maria is a citizen.

2. Tessie was brought over when she was ten; her father was naturalized when she was twenty-two; she is not a citizen.

3. Lucia's parents did not bring her with them, but left her with an aunt. Her father was naturalized when she was fifteen. She came over to live when she was eighteen; she is a citizen.

4. Sonia's father was naturalized when she was fifteen, but she did not come over till she was twenty-two; she is not a citizen.

5. Rachel was living here with her parents. Her father died when she was twelve. Her mother took out naturalization papers when Rachel was twenty; Rachel is a citizen.

6. Sadie's father died when she was twelve, when Sadie was living here with them. When Sadie was twenty, her mother married again, this time to a citizen; Sadie is a citizen.

7. Gretchen's mother was married to a citizen, but not until Gretchen was twenty-two; Gretchen is not a citizen.

8. Bella's father died; her mother was married again, when Bella was fifteen, to a man who was not a citizen but who became one when Bella was twenty; she is a citizen.

9. Louisa was left behind in Italy. Her father died, her mother married a man who was not a citizen. Louisa's aunt died, and Louisa was sent over to live with her mother. She arrived here when she was twenty years and eleven months old. The week after she landed her step-father became a citizen; Louisa is a citizen too.

WHEN SUCH
A CHILD
BECOMES A
"RESIDENT"

It must be noticed, in this connection, that as a minor child of a naturalized father or mother is not a citizen until it actually becomes a resident here, the point at which it becomes regarded as a resident is important. Its importance lies in this, that if there is anything the matter with the child, so that it cannot pass the immigration authorities, it has not the right of the citizen to land, and may therefore be excluded, even though its father and mother and sisters and brothers, all resident here, may be citizens. *The child is not a citizen until it is a resident*, and therefore anything that prevents it from becoming a resident, from entering the country at all, also prevents it from ever claiming citizenship through its parents' citizenship.

ADOPTION
DOES NOT
CONFER
CITIZENSHIP

A child who is adopted by citizens, or by aliens who subsequently become citizens, does not obtain citizenship; it remains an alien.

The Citizenship of Children Born Abroad Whose Fathers Are American Citizens

A child who was born abroad but whose father is an American citizen is a citizen too, provided his father has ever been a resident of the United States. If the father never lived here, the child is not an American citizen, even though his father is.

For example: An American citizen might like England or France so well that he never resided in this country at all, but always in France or England. In such a case, his son, born in Europe, is not a citizen, though his father is.

If his father had ever resided in the United States, however, and only had lived in England or France for a period of years, for business reasons, or for his health, or because he liked it better, or for any other reason, the child, though born abroad, would be an American citizen.

This law was passed in order to protect the American citizenship of children of Americans who have reason to be living abroad, while making it impossible for American citizenship to be perpetuated indefinitely by persons never living in this country.

WHAT SUCH
A CHILD
MUST DO TO
KEEP HIS
CITIZENSHIP

In order to continue to receive the protection of this country while continuing to reside away from the United States, such a child must go to an American consulate after he is eighteen years old and record his intention to become a resident of this country and to remain a citizen of it; and when he is twenty-one he must take the oath of allegiance to the United States.

CITIZENSHIP
MAY BE LOST
BY RETURN TO
NATIVE
COUNTRY TO
LIVE

How a Naturalized Citizen May Lose His New Citizenship

A man who comes here and takes out naturalization papers is supposed to do so because he wishes to live here and be a citizen. It was not intended by Congress

that we should give American citizenship to aliens who mean to go back to their old country and live there, while still claiming the protection from this country to which their American citizenship would entitle them.

In order to prevent such an abuse of our naturalization privileges, the law now stipulates that a naturalized citizen runs the risk of losing his newly acquired citizenship if he goes back to his old country and lives there for two years, or if he goes to any other country and lives there for five years. In such a case, it is presumed that he means to give up his American citizenship. He can overcome this presumption against him, however, by going to a diplomatic or consular representative of the United States and presenting satisfactory evidence that explains why he has been away from the United States for so long. If he can show that he did not desire to give up his American citizenship, nor to use it as a cloak and take advantage of it, then he does not lose it.

Naturalization of Alien Enemies During War

Alien enemies cannot be naturalized during war.

This is the general law everywhere. The way it was stated in the United States law in force from 1802 till 1918 was that no alien who is a native citizen or subject or denizen of any country with which the United States is at war at the time of his application may be admitted to citizenship.

NATURALIZA-
TION OF
ENEMIES
DURING WAR

During the recent war there was a good deal of difference of opinion about the meaning of the words "at the time of his application." It was at first held that the words referred to the filing of the petition for admission to citizenship. Consequently, if a German enemy alien had filed his petition before war was declared between the United States and Germany, he was held to be entitled to be naturalized when his petition was reached, even though the two countries were at war by that time. This position was followed by several courts. Other courts took the position that the "time of his application" meant when he came upon open court for his hearing on the petition, and that it was not enough to have filed the petition while we were at peace.

In May, 1918 an act was passed changing this law by providing that no alien could have his petition called for a hearing except on ninety days notice to the commissioner of naturalization, who might object to the hearing and have it postponed from time to time for as long as the government might require; in other words, the government can prevent the naturalization of an enemy alien, if it sees fit, no matter what stage of the process of naturalization he may have reached before war is declared.

This law also contained a provision allowing the President to exempt an alien enemy from that classification, so that he might then apply for naturalization, provided the Department of Justice, after making an investigation, reported favorably on the loyalty of the enemy alien.

Apparently an alien woman was allowed to become a citizen by marriage even during war. There was no ruling on this point—i. e., as to whether a German woman that married an American citizen during the war became a citizen.

Alien enemies were permitted to take out their first papers during the war.

Change of Citizenship by American Citizens During War

An American citizen is not allowed to change his citizenship while the country is at war.

EXPATRIATION
BY ENLIST-
MENT IN
FOREIGN
ARMIES

American citizens who enlisted in the armies of foreign countries during the recent war thereby expatriated themselves, because they were obliged to take the oath of allegiance to the country under whose flag they enrolled. In the early days of the war, there were occasional cases when such Americans, or ex-Americans, returning to this country while on furlough, were considered aliens, and were held subject on their entry to the immigration laws.

HOW SUCH
SOLDIERS MAY
ACQUIRE
AMERICAN
CITIZENSHIP
AGAIN

In order to relieve these soldiers from this unexpected consequence of their enlistment, Congress passed a law on October 5, 1917, providing a method by which a former American citizen who might be deemed to have expatriated himself by taking such an oath of allegiance to any foreign state engaged in war with a country with which the United States was at war, and who actually did enlist in such foreign service might resume the character and privileges of an American citizen when he was discharged. This method was altered by a provision in the act of May 9, 1918, which provides that such a person can resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations, before any court of the United States or of any state authorized to naturalize citizens, or before a United States consul. Certified copies are sent by the court or the consul to the Department of State and the Bureau of Naturalization.

The Difference Between Residents, Citizens, and Voters

A RESIDENT

A resident is a person who merely has his abode, his place of living, in this country. An alien may come here for only a short time, or he may intend to stay all his life. He is not a citizen, however, unless he renounces his present citizenship and takes out naturalization papers here. And of course he is not a voter.

In other words, a person may be a resident without being either a citizen or a voter.

A CITIZEN

A citizen is a person who may or may not live here, but who owes this country his allegiance and looks to it for protection. He is a member of its body politic, whether by birth or by choice. This country is the political organization of which he is a member.

The citizen, as said above, may or may not be a resident; he usually is; but he does not cease to be a citizen because he may have lived or may choose to live for five or ten years or for all the rest of his life in China or Mexico or Peru.

The citizen may or may not be a voter. He ordinarily is, especially if he is a resident; but it sometimes happens that he loses his vote, for the time, through carelessness or through frequent changes of abode.

A VOTER

The voter is that particular citizen that can meet the requirements of the electoral law, which prescribes certain qualifications for voting. A voter, for instance, must be twenty-one years old; therefore a child of ten, though a citizen because he was born here, cannot be a voter. And a voter must have been a resident of the state for one year, of the county for four months, and of the election district in which he offers his vote for thirty days; so that a citizen who had recently moved from one state to another, or who had very recently gone from one election district to another, might be for the time unable to vote, in spite of his undoubted citizenship.

PART III—NATURALIZATION

Naturalization is entirely a judicial proceeding, carried out only by and in the courts.

Courts With Power to Naturalize Aliens

The only courts that have power to naturalize aliens are:

1. The Supreme Court of the District of Columbia;
2. The United States District Courts;
3. All courts of record in any state or territory that have a seal, a clerk, and jurisdiction in actions at law or equity, in which the amount in controversy is unlimited.

THE ONLY
COURTS THAT
MAY NATUR-
ALIZE ALIENS

Naturalization proceedings may be brought in either of these two series of courts, the United States District Courts or the State Supreme Courts.

As a court may confer naturalization upon only those persons living in its jurisdiction, i. e., its district, every applicant, either in the Federal courts or in the State Supreme courts, must determine which courts have jurisdiction over the place in which he or she lives and then make application in one of those courts.

Any person wishing to go to the Federal Courts may make his declaration or file his petition with the clerk of the District Court that has jurisdiction over the county in which he lives.

Applicants who choose the State Supreme Court may make their declarations and file their petitions with the County Clerk of the county in which the applicant lives. The County Clerk's office is always at the county seat.

The first paper, the declaration of intention, may be made at any time at the clerk's office, whether the court happens to be in session or not. The second paper, however, the petition for admission to citizenship, must be acted upon in court, and will be acted upon by the various courts only at the times stated in notices given out by the courts.

Applicants should go to the office of the County Clerk of their county, therefore, or to the District Court for their district.

Every applicant for naturalization must appear in person.

No one may be naturalized and no certificate of naturalization may be issued by a court within thirty days before a general election in the district over which the court has jurisdiction. Until 1918 declarations of intention could be made during this period; but now an alien is not allowed to make even his declaration of intention to become a citizen on election day or during thirty days before the holding of any election in the district.

NO NATURAL-
IZATION
WITHIN 30
DAYS OF
ELECTIONS

How to be Naturalized

There are two main steps in the process of becoming a naturalized citizen. These are often spoken of as getting "the first paper" and getting "the second paper."

The first step is to make what is called a declaration of intention to become a citizen of the United States.

TWO STEPS IN
NATURALIZA-
TION PRO-
CEDURE

THE DECLARA-
TION OF
INTENTION

THE PETITION
FOR NATUR-
ALIZATION

The second step is to obtain the final certificate of naturalization, through filing a petition for admission to citizenship, and satisfying the investigation made by the Bureau of Naturalization Examiners and the examination made by the judge at a hearing in open court. Each of these two steps is explained below.

The Declaration of Intention

WHAT THE
"FIRST
PAPER" IS

The declaration of intention to become a citizen of the United States is a preliminary step to petitioning for and obtaining the status of citizenship in this country. It has seemed wiser to Congress to divide the process of acquiring citizenship into two steps, between which a definite period must elapse, than to allow such a change of nationality to be made at one single step.

WHO MAY
MAKE IT

The declaration may be made by any alien man or alien unmarried woman in this country who is eighteen years old. There are no other requirements. As has been stated before, a married woman cannot take out naturalization papers herself during the continuance of the marriage relation; her husband has to do it for them both.

WHEN IT
MAY BE MADE

The declaration may be made at any time after the alien lands. It may be done the day after he lands, or at any later time.

All that it means is that the alien states under oath that he intends to stop being a citizen of the country from which he came, and to become a citizen of this country when he can satisfy the requirements for citizenship here.

WHERE IT
MAY BE
OBTAINED

This first paper may, as previously stated, be obtained from the clerk of any court authorized to naturalize aliens.

In order to make this declaration, the applicant goes himself to the court, and obtains from the clerk a blank form called "Facts for Declaration of Intention." The applicant may fill out the form there or else take it home and fill it out at his leisure.

INFORMATION
CALLED FOR

The information that this form calls for includes the applicant's name, age, occupation, personal description, place and date of birth, present residence, last foreign residence, the date of his arrival, the name of the vessel on which he came, or, if he did not come by sea, the character of the conveyance and the name of the transportation company that brought him; and he must also state that he intends to renounce his allegiance to the country of which he is then a citizen or subject, and that he is not a polygamist or an anarchist.

After the alien has filled out this blank, he takes it to the clerk, who uses the information on it to fill up the formal certificate called the declaration of intention. The applicant takes oath to the truth of the statements on it, and the clerk signs and attests the certificate and gives it to the applicant to keep.

WHO NEED
NOT MAKE
THE
DECLARATION

There is a fee of one dollar for this declaration.

The form of the declaration is reproduced on page 26.

The following persons are excused from making the declaration of intention:

1. Any alien serving in the military or naval forces of the United States during the present war.
2. Any alien 21 years old or over who served in the Armies of the United States before Jan. 1, 1900, and was honorably discharged.
3. The widow or the children of a man who made his declaration but who died before completing the process.

4. The widow and children of a man who became insane after making his declaration.

Effect of Making the Declaration

Making this declaration of intention does not make the alien an American citizen. He still remains a citizen or subject of the country from which he came.

DOES NOT
CHANGE
CITIZENSHIP

In recognition, however, of the fact that he has announced his intention to become a citizen at some later time, the Federal government and various state and local governments often give him privileges denied to aliens that have not taken this first step.

CERTAIN PRIV-
LEGES GIVEN
BY FEDERAL
GOVERNMENT

The Federal government will give a man who has made this declaration and who has lived in this country for three years a passport that will entitle him to the protection of this country in any foreign country except the one from which he came. Not being a citizen, he cannot claim protection; but because he has taken the first step toward becoming a citizen, the government gives him this limited or qualified protection. This passport is good for only six months, and cannot be renewed.

Such an alien may make a homestead entry and take out lands under the land laws of the United States.

The charters and ordinances of various cities and towns also give him certain privileges, such as the right to obtain a license as hackman, cabman, junk dealer, peddler, push-cart man, etc., the right to be employed on public works, or run a newsstand.

AND BY LOCAL
GOVERNMENTS

The Petition for Naturalization

The second step in the process of naturalization is to file the petition for admission to full citizenship.

THE "SECOND
PAPER"

This cannot be done until two years have gone by since the applicant declared his intention to become a citizen. There must be two years between the two steps.

WHEN IT
MAY BE MADE

It also cannot be done until the applicant has lived continuously in this country for five years; so that if he took out his first paper soon after he landed, in order to get the benefit of the privileges it confers, he will have to wait more than two years, i. e., till the five years are up, before he can take the second step.

To take an example: Suppose an alien landed in New York City on January 1, 1917; he cannot apply to become a citizen for five years, not till January 1, 1922. He may declare his intention, if he likes, on the day after he lands, or he may wait until later; in any case, however, he cannot get his second papers till he has lived here for five years. And if he neglects or forgets to make his declaration until he has been here for six or seven years, he still has to wait to take the second step till it is two years since he took the first one, even though that will make more than five years that he has been in this country.

The declaration of intention is valid only for seven years. If the alien does not go ahead and take the second step within seven years, his declaration is worthless and he must make a new one and then wait another two years before taking the second step. This time limit of seven years was established to prevent men from obtaining through their declaration most of the rights and privileges of a citizen.

DECLARATION
GOOD FOR
ONLY SEVEN
YEARS

even including, in some Western states, the right to vote, while still being exempted from the duties of citizenship, such as jury service and military service.

The United States Supreme Court recently decided that this rule applies to all declarations, including those made before June 29, 1906, when the seven year limit was first imposed.

Three points must be remembered:

THREE
THINGS TO
REMEMBER

1. An alien cannot take the second step till he has lived here continuously for five years.
2. He cannot take it till two years after he took the first step.
3. He must take it within seven years after he took the first step, or else take the first one over again.

How to File the Petition for Naturalization

In order to take this second step in the process of becoming a citizen, the applicant goes to court and obtains another form called "Facts for Petition for Naturalization." He can fill out the form there or take it away and fill it out at his leisure. He may go to a different court for the second paper, if he has changed his residence.

INFORMATION
CALLED FOR

On this blank or form he must give, in addition to the facts he gave before in making his declaration of intention, information on several other matters. He is required to state the time when he obtained his first paper, and the place, and name of the court. If he is a married man he gives the name of his wife, the country where she was born, and the place where she is living at the time when he files the petition. If he has any children, he gives the name of each child, with the place and date of its birth, and the place where each one is living at the time when he files the petition. He must also state that he is not a disbeliever in organized government, or a member of a body that teaches disbelief in organized government, and that he is not a polygamist. He must also state whether or not he has been denied admission to citizenship before, and if so, on what grounds.

FORMER
ALLEGIANCE
RENOUNCED

He also states that he intends to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty.

He then takes this form back to the clerk, who fills out the formal petition for naturalization in accordance with the information on the blank. The clerk takes the applicant's oath to the truth of all his statements, and the applicant signs the petition himself. By the present law, he must be able to write his name.

WHAT PAPERS
MUST AC-
COMPANY THE
PETITION

Certain other papers must accompany the petition. These include the applicant's certificate of declaration of intention, and what is called a certificate of arrival, i. e., a certificate obtained from the Bureau of Immigration stating the date and place of the applicant's arrival in this country. A blank form for this certificate may be obtained at the office of the clerk. This certificate must be obtained only by persons that arrived after June 29, 1906.

TWO
WITNESSES
NECESSARY

The affidavits of two witnesses must also accompany the petition. These two witnesses have to take oath that they personally know that the applicant has lived in the United States for the five years immediately preceding his application, and in the state or district in which he applies for the last year; and that they know him to be of good character, attached to the principles of the constitution, and in every

way qualified, in their mind, to be admitted as a citizen of the United States. These witnesses must be citizens, but may be either native or naturalized citizens.

A copy of the petition for naturalization is reproduced on page 27.

NOTICE
POSTED AND
SENT TO
WASHINGTON

The clerk files the petition, with the certificate of arrival, the declaration of intention, and the affidavits of the two witnesses. The applicant pays a fee of four dollars. The clerk posts a notice of the alien's application in his office, or in the building in which his office is situated, and also sends a copy of the petition to the Bureau of Naturalization in Washington within thirty days.

The examiners attached to the Bureau of Naturalization make a careful investigation of all the statements made by the applicant and by his witnesses, during the next ninety days or during such longer period as may be necessary. No action can be taken on the petition until at least ninety days have gone by; and during this period the examiners make all possible tests into the applicant's character and fitness for citizenship.

EXAMINERS
MAKE
INVESTIGATION

Qualifications for Citizenship

It is in connection with this step of becoming a citizen that the applicant's ability to meet the requirements for naturalization is tested.

QUALIFICA-
TIONS FOR
CITIZENSHIP

These requirements are:

1. He must be twenty-one years old or over.
2. He must have lived continuously in the United States for the five years immediately preceding his application, and in the state or district in which he applies for one year.
3. He must be able to speak the English language, and to sign his or her name. The provision that the alien must be able to "speak" English does not apply to aliens physically incapable of speaking.
4. He must be of good character, and must not be a disbeliever in or opposed to organized government, or a member of an organization teaching disbelief in organized government, or a polygamist.
5. He also, by a recent law, cannot be naturalized if he withdrew his declaration of intention during the war in order to avoid military service.

The applicant may be of any age over twenty-one.

The five years of residence here must be continuous. The applicant is not permitted to piece together two terms of residence here. If he lived here for three years, then went away for a time, then came back and lived here for two years, this does not qualify him; the five years must be continuous. And it will not do if he has lived here for five or ten years and then went back to his old country to live there, and then decided after a few years to return to the United States; he cannot use his previous term of residence here, even though he was here for much longer than the necessary time; he must have been here continuously for the five years immediately preceding his application.

RESIDENCE
MUST BE
CONTINUOUS

The requirement of five years' residence is waived for the following persons:

1. Aliens who served in the Armies of the United States before Jan. 1, 1900, and were honorably discharged; they need prove only one year's residence.
2. Any alien serving in the military or naval forces of the United States during the present war.
3. Filippino declarants who enlisted and were honorably discharged from

RESIDENCE
WAIVED IN
CERTAIN
CASES

the Navy, Marine Corps, or Naval Auxiliary Service, after 3 years' service; Porto Ricans in the Federal or State military or naval forces; aliens who served for 3 years on a government vessel, or a merchant or fishing vessel; declarants who served in the Phillipine Constabulary or the Army or Navy.

The qualifications of character and residence must be proved by the two witnesses previously referred to.

The witnesses must accompany the applicant when he files his petition, and when he is examined. The Bureau of Naturalization examiners may call the applicant up for examination; if so, the witnesses should accompany him. If any witness is unwilling to come, the applicant has the right to a subpoena that will compel him to attend.

The Final Hearing

FINAL
HEARING

The final action on the applicant's petition consists of a final hearing in court, at which the applicant and his witnesses must be examined under oath before the court and in the presence of the court. Every final hearing must be in open court. The applicant receives due notice of the time set for this hearing.

If the witnesses the applicant named in filing his petition cannot be produced at this final hearing, he may summon other witnesses. In this case some courts require that the petition with the names of the new witnesses be posted again for ninety days.

It should be noted here that no person may be naturalized, and no certificate of naturalization issued, by any court within the thirty days next preceding a general election in the district over which the court has jurisdiction. Since May 9, 1918, it has not been lawful to make even a declaration of intention on election day, or for thirty days before the day for holding any election in the jurisdiction of the court.

UNITED
STATES
MAY INTER-
VENE

The United States authorities, by the naturalization law, have the right to appear at this hearing for the purpose of cross-examining the petitioner and his witnesses concerning any matter affecting his right to be admitted to citizenship, and may call witnesses, produce evidence, and be heard generally in opposition to the granting of any petition in naturalization proceedings.

JUDGE
EXAMINES
APPLICANTS

At this final hearing the judge examines the applicant, asking him, in English, questions designed to test the truth of his statements about his residence here and the extent of his knowledge of the forms of government and the principles of our constitution, and his attachment to them; he asks him questions concerning the duties and privileges of a citizen, the names of various officials of the nation, the state and the city, and so on.

The Oath of Allegiance

OATH OF
ALLEGIANCE

If the judge is satisfied that the applicant is qualified to become a citizen of the United States, he administers to him the following oath of allegiance:

"I do hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to the of, of whom I have heretofore been a subject; that I will support and defend the Constitution and Laws of the United States of America against all enemies, foreign and domestic; and that I will bear true faith and allegiance to the same, so help me God."

In case the alien has borne any hereditary title, or has belonged to any of the orders of nobility in the kingdom or state from which he came, he is required to make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation is recorded in the court.

RENUNCIATION OF TITLE OR ORDER OF NOBILITY

The court may also, in its discretion, and as a part of the naturalization proceedings, make a decree changing the name of the applicant, if the applicant requests.

CHANGE OF NAME

After the judge has signed the order of admission, the clerk of the court then issues a certificate of naturalization to the new citizen, in which, after a recital of the facts, it is stated that the court thereupon ordered that the applicant be admitted as a citizen of the United States of America.

This ends the procedure of naturalization.

The Benefits of Citizenship

A citizen is entitled to the protection of his country at any time and at any place, either at home or in foreign lands.

PROTECTION

A citizen may vote at all elections, and may participate in any political action. He has the power, through his vote, to express his preferences and convictions as to the conditions under which he lives.

POLITICAL RIGHTS

A citizen may hold any public office unless specific qualifications are attached to it which he cannot meet.

PUBLIC OFFICE

A male citizen may serve on juries, and is subject to service in the militia or in the Federal draft army that has for the present taken its place. Women citizens are now excluded from both army service and from jury duty in New York State.

JURY DUTY AND ARMY SERVICE

A citizen may pursue any lawful profession, trade, calling or occupation, some of which, such as law, are open only to citizens, and others of which, such as working on public works, are open to declarants. He may also join labor unions, which in some cases make citizenship a qualification for membership.

TRADES AND OCCUPATIONS

A citizen may hold any office of private trust, such as guardian or executor.

PRIVATE TRUSTS

A citizen may participate in the benefits of any social service laws, from some of which aliens are at times excluded, e. g., mothers' pension laws.

BENEFITS OF SOCIAL SERVICE LAWS

NATURALIZATION FORMS

DECLARATION OF INTENTION

Invalid for all Purposes Seven Years After the Date Hereof.

..... } In the.....Court
..... } ss:
..... } of.....

I,, aged years, occupation do declare on oath that my personal description is: Color, complexion, height feet inches, weight pounds, color of hair, color of eyes, other visible distinctive marks I was born in on the day of, anno Domini 1.....; I now reside at..... I emigrated to the United States of America from on the vessel; my last foreign residence was It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to, of whom I am now a subject; I arrived at the port of, in the State of, on or about the day of, anno Domini 1.....; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein; SO HELP ME GOD.

.....
(Original signature of declarant.)

Subscribed and sworn to before me this

[SEAL]

day of, anno Domini 192.....
.....

Clerk of the..... Court.

By Clerk.

PETITION FOR NATURALIZATION

To the Honorable the Court of

The petition of hereby filed, respectfully sheweth:

First. My place of residence is

Second. My occupation is

Third. I was born on the day of anno Domini 1.....
at

Fourth. I emigrated to the United States from, on or about
the day of anno Domini 1....., and arrived in the United States,
at the port of, on the day of anno Domini 1.....,
on the vessel

Fifth. I declared my intention to become a citizen of the United States on
the day of anno Domini 1..... at, in the
Court of

Sixth. I am married. My wife's name is She was born
in, and now resides at I have children, and the
name, date and place of birth, and place of residence of each of said children is as
follows:

Seventh. I am not a disbeliever in or opposed to organized government or a
member of or affiliated with any organization or body of persons teaching disbelief
in or opposed to organized government. I am not a polygamist nor a believer in
the practice of polygamy. I am attached to the principles of the Constitution of
the United States, and it is my intention to become a citizen of the United States
and to renounce absolutely and forever all allegiance and fidelity to any foreign
prince, potentate, state, or sovereignty, and particularly to of whom at
this time I am a subject, and it is my intention to reside permanently in the United
States.

Eighth. I am able to speak the English language.

Ninth. I have resided continuously in the United States of America for the
term of five years at least, immediately preceding the date of this petition, to wit,
since the day of anno Domino 1....., and in the State of,
continuously next preceding the date of this petition, since the day of
anno Domini 1....., being a resident within this State of at least one year next
preceding the date of this petition.

Tenth. I have not heretofore made petition for citizenship to any court. (I made
petition for citizenship to the Court of at, on the
..... day of, anno Domini 1....., and the said petition was denied
by the said Court for the following reasons and causes, to wit,, and
the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention
to become a citizen of the United States and the certificate from the Department of
Labor, together with my affidavit and the affidavits of the two verifying witnesses
thereto, required by law. Wherefore your petitioner prays that he may be admitted
a citizen of the United States of America.

.....
(Complete and true signature of petitioner.)

Declaration of Intention and Certificate of Arrival No. from Depart-
ment of Labor filed this day of, 192.....

QUESTION AND ANSWER REVIEW

Who are Citizens

Q. What is a citizen?

A. A citizen is a person that belongs to a country.

Q. Is every one that lives in a country a citizen of it?

A. No; a person can live in a country without being a citizen; there are many immigrants living in this country, for instance, that have never become citizens.

Q. What is the difference between a citizen and a resident?

A. It is something like the difference between a member of a family and a visitor.

Q. What is the difference between citizens and voters?

A. The difference is that voters are those particular citizens that can meet the requirements of the electoral laws.

Q. Why cannot all citizens meet those requirements?

A. One requirement is that the voter must be 21 years old; so a child of ten, though a citizen, could not meet that one. And there are other requirements, principally of residence, that a citizen might not be able to meet.

Q. How does a person get to be a citizen of this country?

A. There are only two ways; by birth and by naturalization.

Q. What do you mean by a citizen by birth?

A. A citizen by birth is any person that was born within the territory of the United States.

Q. What if its parents were not citizens?

A. That does not matter; this country regards as a citizen every child born on American soil, no matter what country its parents were citizens or subjects of.

Q. But suppose the child's parents belong to a race, like the Chinese, that cannot be naturalized here? Is the child of such a race a citizen, merely because it was born here, although our law says members of that race cannot be naturalized?

A. Yes, the child of Chinese parents who are living here when the child was born is an American. The law says only that members of that race cannot be naturalized, but it does not say that they cannot be citizens by birth.

Q. Can any other person be a citizen by birth except persons born in the United States?

A. Yes, the children of American fathers living abroad are regarded as citizens, provided the father ever was a resident in this country.

Q. Then if John Smith was born in London, where his father was living for ten years, ever since he went over from the United States on business. John would be a citizen?

A. Yes.

Q. But if John's father had always lived in Europe, John would not be a citizen, though his father was?

A. No, he would not be a citizen.

Q. Does John have to do anything to keep up his American citizenship?

A. Yes; when he is 18 years old he must go to an American consulate and record his intention to become a resident of this country and to remain a citizen of it; and when he is 21 he must take the oath of allegiance.

Q. Has every person a right to change his citizenship?

A. Generally speaking, yes; but we do not allow a citizen to change his allegiance while the country is at war.

Q. Is this right universally recognized?

A. No; some countries hold that a citizen or subject that wants to change

his citizenship must ask for their permission, and they consider that any change made without their permission is not valid.

Q. What position does the United States take?

A. We believe that the right to say under what conditions a person wants to live is one of the things that are essential to life, liberty, and the pursuit of happiness.

Q. Then we are willing to take in any person as a citizen without asking their former government for permission?

A. We are willing to take in any properly qualified person; and we are also willing to let any American go that wants to—except, as we said before, during war.

Q. What is meant by “properly qualified”? Can any person be naturalized?

A. No; it was stated a moment ago that Chinese could not be naturalized; the law says that only two classes of persons may be naturalized, *i.e.*, free white aliens, and persons of African nativity and descent.

Q. Was that always the law?

A. No, at first only free white persons could be naturalized; then after the Civil War, after the slaves had been freed, and were to be citizens, the law was altered in that way.

Q. Just who is it that cannot be naturalized?

A. The Chinese and Japanese are excluded; and every now and then a question comes up whether a man from Burma or Armenia or some other Asiatic country is white or not. The law on this point is not altogether settled.

The Citizenship of Women

Q. What is the law about a woman's citizenship?

A. The law is that the question of her citizenship depends on whether she is a single woman or a married woman.

Q. What is the difference?

A. The difference is that if she is single her citizenship depends entirely on herself, just as a man's does; and if she is married it depends entirely on what her husband does.

Q. What do you mean by saying it depends on herself?

A. The citizenship of a single woman depends on where she born, to begin with, and then on whether she herself has done anything to change that first citizenship, like taking out naturalization papers. She can keep it, or change it, or change it twice, or take the first one back again, or do whatever she wants.

Q. But cannot a married woman change hers?

A. No, a married woman takes her husband's citizenship, whatever it may be; hers is entirely dependent on his.

Q. But suppose he changes his?

A. Then hers changes, too.

Q. Whether she wants it to or not?

A. Yes.

Q. Suppose he refuses to become a citizen?

A. Then she cannot become one either.

Q. Can she not take out naturalization papers herself?

A. No; she can do that only through her husband.

Q. But what if he will not do it?

A. She cannot do it even then.

Q. If she is a citizen, and marries an alien, what then?

A. Then she becomes an alien.

Q. And if she is an alien and marries a citizen?

A. Then she becomes a citizen. She becomes whatever he is.

Q. If she is an alien, and marries an alien, who afterward becomes a citizen, what then?

A. She becomes a citizen, too, automatically, whenever he does.

Q. Does she become a citizen when he does, without doing anything?

A. Yes, without doing anything at all.

Q. But the man has to meet certain tests in order to be naturalized; does not she?

A. No, she becomes a citizen when he does, without meeting any of the requirements.

Q. But the husband, or a single woman, cannot become naturalized without being able to speak English; does not the married woman have to be able to speak English?

A. No.

Q. Nor have been in this country for five years?

A. No; she becomes a citizen by marriage even if she never comes to this country.

Q. Does she not have to take the oath of allegiance?

A. No.

Q. Nor prove that she understands the principles of our government, and is attached to the principles of the constitution?

A. No.

Q. Does she not even have to be of good character?

A. No. The law says she becomes a citizen by marriage to a citizen if she "might herself be lawfully naturalized," and all that the phrase means, according to the courts, is that she must belong to one of the races that may be lawfully naturalized, *i.e.*, she cannot become a citizen by marriage if she is a Japanese or Chinese woman.

Q. When a woman becomes a citizen by marriage, what happens to her citizenship when her husband dies? Does that end her citizenship?

A. No, our law is, once a citizen always a citizen, unless the person himself chooses to end it. Our law does not recognize any qualified or limited citizenship. If the woman becomes a citizen at all, she becomes a citizen for all purposes and for all time.

Q. Then when he dies she continues to be a citizen?

A. She does if she wants to. If she goes on living here she is supposed to keep it; if she does not want to keep it she must go before a court that has jurisdiction to naturalize aliens, and renounce it formally. If she happens to be living abroad, she can keep it by going before a United States consul within one year and registering as a citizen.

Q. Does she lose her citizenship if they are divorced?

A. No.

Q. Suppose her husband deserts her?

A. As long as she has not been divorced from him she is still his wife, and has to keep whatever citizenship he has. If he is an alien, and has deserted her, no matter for how long, she cannot apply to be naturalized herself.

Q. When a citizen woman marries an alien husband, who dies, how can she get back her American citizenship?

A. If she is living here at the time, the only thing she has to do is to go on living here. If she is living in Europe, she has to do one of two things, either come back here to live, or else register as an American citizen with an American consul within one year.

Q. What rights has a widow as to being naturalized?

A. She has exactly the same rights as a single woman; she can do whatever she likes.

The Citizenship of Children

Q. How does a child become a citizen?

A. By birth, or by the naturalization of its parents or guardians.

Q. How does a child become naturalized by the naturalization of its parents?

A. The general rule is that the child has whatever citizenship its father has. If an Italian family comes here, the children of it are Italians, like their father, when they come, and if he becomes a citizen they do too.

Q. Are there any limitations to this rule?

A. Yes, they become citizens when he does only if he becomes a citizen while they are still under 21, and if they are living here when he becomes a citizen, or else come to live here before they are 21.

Q. How can citizenship be lost, after a man or woman acquires it?

A. If the naturalized citizen goes back to live in the country he came from, and stays there two years, he is presumed to have lost his American citizenship; and the same thing is true if he goes and lives in any country for five years.

Q. What do you mean by saying he is presumed to have lost it?

A. We mean that that is the way it is regarded; he is considered to have intended to forfeit it; but if he can show some real reason for being away so long, without meaning to forfeit it, then he does not lose it. He has a chance to explain, is what it means. He can overcome the presumption against him by going to a diplomatic or consular representative and presenting satisfactory evidence about why he has been away so long.

How to be Naturalized

Q. What does the process of naturalization consist of?

A. It consists of two steps—one a preliminary step called making the declaration of intention to become a citizen, and the other called a petition for citizenship.

Q. When may these steps be taken?

A. The first step may be taken at any time after landing here. The second cannot be taken till two years after the first one has been taken; and not until the applicant has been in this country for five years.

Q. How long is the first paper good?

A. Only for seven years; if the applicant does not go ahead and take the second step within that time, he has to take the first step over again.

Q. What courts have jurisdiction to naturalize aliens?

A. Both Federal and State courts; the Federal courts that do it are the United States District Courts, and the State courts are the Supreme Courts.

Q. What are the requirements for naturalization?

A. Residence for five years in the country, and for one year in the state or district in which the application is made; age of twenty-one years; good character; ability to speak English, and to sign one's name; some understanding of the principles of the constitution, and of our form of government.

Q. How does the applicant prove these things?

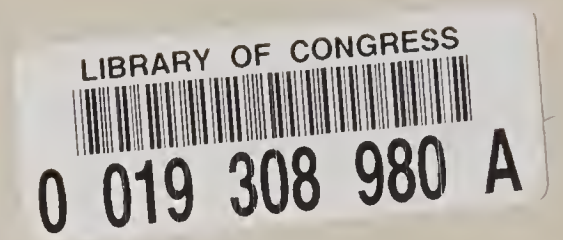
A. Partly by his own oath and own testimony, but mainly by the oaths and testimony of two witnesses, who swear that they have known him personally, know that he has really been here for five years and that he is a person of good character who will make a good citizen.

Q. What are the fees for naturalization?

A. They amount to \$5, \$1 for the first paper and \$4 for the second; but as the applicant must take his witnesses with him at least two or three times, and often more, if his case is not reached and he must come again, it may cost him much more than that.

Q. What are the benefits of citizenship?

A. The benefits are, that a man or woman has something to say about the conditions under which he lives; and that he or she has it in his power to help to defend and protect the country to which he belongs. It protects him and he helps to defend it. The citizen also has different property rights and different personal rights from an alien; he may engage in any lawful calling and carry on any lawful business; and he may hold office, and fill any private trusts.



NEW YORK STATE LEAGUE OF WOMEN VOTERS

MRS. FRANK A. VANDERLIP, *Chairman*

COMMITTEE ON AMERICAN CITIZENSHIP

ESTHER EVERETT LAPE, *Chairman*

COMMITTEE ON EDUCATION

MRS. CASPAR WHITNEY, *Chairman*

For copies of this pamphlet, at ten cents each, apply to
EDUCATION COMMITTEE, NEW YORK STATE LEAGUE OF
WOMEN VOTERS

37 WEST 39TH STREET

::

::

::

NEW YORK CITY